

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/549,863

First Named Inventor: Nigel P. Smith

Filed:

December 8, 2006

Title: Overlay Metrology Mark

TC/A.U. 2823

Examiner: William D. Coleman

Atty Docket: NAN154 (8026)

Confirmation No.: 7198

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**CENTRAL FAX CENTER****SEP 25 2008**Saratoga, California  
September 25, 2008Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Dear Sir:

This Response to Office Action is responsive to the May 28, 2008, Office Action, which has a statutorily shortened period for response that ends August 28, 2008. A petition for a one month extension, giving Applicants until September 28, 2008, to respond, is submitted herewith. The Commissioner is hereby authorized by the undersigned to debit Deposit Account 50-2263 for any underpayment or any additional necessary fees. Please enter the following amendments before taking action on the merits of the above-referenced application.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

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